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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 ADAM MORALES,

10 Petitioner,

11 v.

12 STATE OF WASHINGTON,

13 Respondent.  
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CASE NO. C19-948RSM

ORDER ADOPTING REPORT AND  
RECOMMENDATION

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16 This matter is before the Court on the Report and Recommendation (“R&R”) of the  
17 Honorable Brian A. Tsuchida, United States Magistrate Judge, (Dkt. #8) and the Objections filed  
18 by Petitioner. Dkt. #9. The R&R accurately details the requirement for Petitioner to exhaust his  
19 state court remedies prior to initiating this federal habeas corpus petition. Dkt. #8 at 1–3.  
20 Petitioner’s Objections do not address this essential issue,<sup>1</sup> and do not otherwise make relevant  
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23 <sup>1</sup> The closest that Petitioner comes is noting that exhaustion is not required where “there is an  
24 absence of available State corrective process” or “circumstances exist that render such process  
25 ineffective to protect the rights of the applicant.” 28 U.S.C. § 2254(b)(1)(B)(i)–(ii). But  
26 Petitioner provides only a conclusory argument that “[s]ince Article I section 26 of the  
Washington State Constitution directly violates Petitioner’s United States civil and constitutional  
rights [by not requiring a grand jury in every case], there is ‘no available state corrective process’  
and ‘circumstances do exist that render such process ineffective to protect[’] such rights.” Dkt.  
#9 at 7. This conclusory argument does nothing to demonstrate that Petitioner actually lacks  
adequate state court remedies.

1 legal arguments that conflict with the R&R. Upon this Court's de novo review the Court agrees  
2 with the reasoning of the R&R and nothing contained in the Objections or record herein causes  
3 the Court to question the R&R.

4 Having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida,  
5 United States Magistrate Judge, Petitioner's Objections, and the remaining record, the Court  
6 finds and ORDERS:

- 7 1. The Court ADOPTS the Report and Recommendation (Dkt. #8);
- 8 2. Petitioner's federal habeas petition (Dkt. #4) is DENIED and DISMISSED without  
9 prejudice;
- 10 3. Petitioner is DENIED issuance of a certificate of appealability;
- 11 4. To the extent Petitioner has sought leave to proceed in forma pauperis, the Court DENIES  
12 that request as moot;
- 13 5. This action is CLOSED.
- 14 6. The Clerk is directed to send copies of this Order to the parties and to Judge Tsuchida.

15 Dated this 24 day of July, 2019.

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19 RICARDO S. MARTINEZ  
20 CHIEF UNITED STATES DISTRICT JUDGE  
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